

ARKANSAS BOARD OF ELECTRICAL EXAMINERS

Arkansas Department of Labor

Mike Huckabee, Governor

James L. Salkeld, Director of Labor

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**BOARD OF
ELECTRICAL EXAMINERS**

BOARD MEMBERS

Gary Ferrell, Chairperson

Hugh Brewer

Paul Brown

J.D. Chastain

Ed Carrington

Sammie Cox

Danny King

Thomas Easterley

James L. Salkeld, Director, Arkansas Department of Labor

NOTE: Board member list as of August 15, 2005

**STATE OF ARKANSAS
EXECUTIVE DEPARTMENT
PROCLAMATION**

EX. NO. 79-4

EXECUTIVE ORDER

WHEREAS, Act 870 of Acts of Arkansas 1979 created the Arkansas Board of Electrical Examiners; and

WHEREAS, Said Act 870 of 1979 provided for the Board to consist of eight members, including seven members to be appointed by the Governor of the State with advice and consent of the Senate, and the Director of the Department of Labor, or his authorized Representative, which Board has the duty of administering and enforcing the provisions of the Act (870 of 1979); formulating the rules and procedures for the implementation of the Act; conducting examinations of persons applying for licenses covered by the Act and issuing such licenses in accordance thereto; and revoking or suspending such licenses; and

WHEREAS, Act 870 of 1979 did not provide for an appropriation of funds to employ clerical or other support personnel to carry out the day-to-day operations necessary to the function of the Board; nor did Act 870, 1979 provide for a sponsoring agency for the Board; and

WHEREAS, the efficient operation of the Board necessitates certain clerical and support personnel, and it would be in the interest of efficiency to place this Board under the sponsorship of an existing state agency whose function relates to the task of the Board and which agency is suitable and capable of providing adequate support operations; and

WHEREAS, the functions of the Department of Labor clearly relates to the function of the Board of Electrical Examiners, and said Department is suitable and capable of providing the support needed for the Board;

NOW THEREFORE, I, Bill Clinton, Governor of the State of Arkansas, do hereby declare that the Department of Labor will be the sponsoring agency for the Arkansas Board of Electrical Examiners, effective immediately.

The Department of Labor, through its Director, shall provide for clerical and other technical assistance pertinent to the functioning of the Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 30th day of May in the year of our Lord nineteen hundred seventy-nine.

BILL CLINTON, Governor

PAUL REVIERE, Secretary of State

**LAWS GOVERNING THE
BOARD OF ELECTRICAL EXAMINERS**

17-28-101	Definitions
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ARKANSAS ELECTRICAL CODE AUTHORITY ACT

20-31-101	Title
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20-31-103	Exemptions
20-31-104	Statewide standards – Enforcement of chapter
20-31-105	Compliance required - Penalties

17-28-101. Definitions

As used in this chapter, unless the context otherwise requires:

(1) “Air conditioning electrician” means any individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for the installation, maintenance and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units;

(2) “Electrical apprentice” means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the

time frames:

- a. sixty (60) days from the effective date of these regulations; or
- b. sixty (60) days from the date of notice of the denial, conditional approval, or approval for a lower class of license.

Regulation 15. Effective Date and Repealer.

- 15.1 Effective September 1, 1999 all previous regulations promulgated by the board are hereby repealed.
- 15.2 The effective date of these regulations is September 1, 1999.

NOTE: Regulations 1, 6.2 and 7.9 were amended effective January 1, 2002, and 6.7 was effective April 1, 2002.

NOTE: Regulations 5.3, 5.5, 6.1, 6.2, 6.4, 7.5, 7.7, 7.9, 8.3, 8.4, 8.5, 11.6, 12.6 were amended effective April 1, 2004. Regulation 9 was a new regulation effective April 1, 2004. Subsequent Regulations were renumbered on this date.

NOTE: Regulations 6.2, 6.5, 7.9, 7.10, 8.7, 9.1-9.5 were amended effective November 1, 2004.

NOTE: Regulations 1.1, 9.1, 9.2, 9.5 were amended effective October 1, 2005.

- 12.3 Restrictions. A person holding a restricted lifetime master electrician license is authorized to perform any work authorized for a master electrician. Such license is non-transferable.
- 12.4 Fees. The fee for issuance of a Restricted Lifetime Master Electrician license shall be fifty dollars (\$50.00).
- 12.5 Term of license. The restricted lifetime master electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board for cause.
- 12.6 Revocation or suspension.
 - a. The board may revoke or suspend a restricted lifetime master electrician license for the same reasons and in the same manner as any other master electrician license. Grounds for suspension or revocation includes, but is not limited to, the performance or supervision of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.
 - b. Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master electrician license to the last address on file with the board.
 - c. Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by regulation of the board. See Regulation 8. Revocation, Suspension, and Denial of Licenses.
- 12.7 Change of address. The holder of a restricted lifetime master electrician license shall notify the board of any change of address following issuance of the license.

Regulation 13. Extension of time.

- 13.1 Notwithstanding any provision to the contrary, an applicant for a license pursuant to the grandfather provision of Ark. Code Ann. § 17-28-310(Supp. 1997) who submits an application prior to July 1, 1998 shall be deemed in compliance with the mandatory licensing requirement of Ark. Code Ann. § 17-28-310 until the board takes final administrative action on the application, or until June 30, 1999, whichever occurs first.
- 13.2 The effective date of this regulation shall be June 1, 1999.

Regulation 14. Grandfather appeals.

Notwithstanding any provision in these regulations to the contrary, any applicant who applied for a license prior to July 1, 1998 pursuant to the provisions of Ark. Code Ann. § 17-28-310 may appeal to the full board 1) any denial of license; 2) any approval of license for a class lower than the class of license sought by the applicant; or 3) any conditional approval of license, provided the board receives a written request for an appeal within the longest of following

direct supervision of a licensed journeyman electrician or master electrician;

(3) "Electrical contractor" means any person, member, or employee of a firm, partnership, or corporation engaged in the business of installing, erecting, repairing, or contracting to install, erect, or repair electrical wires or conductors to be used for the transmission of electric light, heat, power, or signaling purposes, or to install or repair moulding, ducts, raceways, or conduits, for the reception or protection of such wires or conduits, or any electrical machinery, apparatus, or systems to be used for electrical light, heat, power, or signaling purposes;

(4) "Electrical work" means:

(A) Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings; and other premises such as yards, carnivals, parking and other lots, and industrial substations;

(B) Installations of conductors that connect to the supply of electricity;

(C) Installations of other outside conductors on the premises;

(5) "Industrial maintenance electrician" means any individual who possesses the necessary qualifications, training, and technical knowledge to maintain and extend electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. He or she shall be capable of doing such work in accordance with standard rules and regulations governing that work;

(6) "Journeyman electrician" means any individual who possesses the necessary qualifications, training, and technical knowledge to install, maintain, and extend electrical conductors and equipment. He or she shall be capable of doing such work in accordance with plans and specifications furnished him or her in accordance with standard rules and regulations governing the work;

(7) "Master electrician" means any individual who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment;

(8) "Primary residence" means an unattached single-family dwelling used as the person's primary place of residence;

(9) "Residential journeyman electrician" means the classification by which the licenses and electrical work of journeyman electricians may be limited to the installation, alteration, repair, maintenance or renovation of electrical facilities for one and two family dwellings;

(10) "Residential master electrician" means the classification by which the licenses and electrical work of master electricians may be limited to planning and supervising the installation, maintenance and extension of electrical facilities for one and two family dwellings;

17-28-102. Construction and exemptions.

(a) The provisions of this chapter shall not apply to:

(1) The construction, installation, maintenance, repair, or renovation

by any public utility, as that term is defined by §23-1-101 (9)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;

(2) The construction, installation, maintenance, repair or renovation by any industry, as that term is defined in subsection (f) of this section, of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards or to any other such activity when performed by any duly authorized employee of any such industry;

(3) The construction, installation, maintenance, repair or renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;

(4) The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;

(5) The construction and manufacture of manufactured homes covered by the Manufactured Home Construction and Safety Standards Act, 42 U.S.C § 4501 *et seq.* and

(6) Any industry, as that term is defined in subsection (f) of this section, or group of industries under common ownership or control, with assets in this state of one billion dollars (\$1,000,000,000) or more, provided that the exemption provided in this subdivision (a)(6) shall only apply to projects commenced between July 1, 2001, and December 31, 2003.

(b) Nothing in this chapter shall be construed to require an individual to hold a license before doing electrical work on his primary residence except as otherwise required by state law, regulations or local ordinances. The exemption from compliance with the licensing standards shall not be referred to in any way, and shall not be any evidence of the lack of negligence or the exercise of due care by a party at a trial of any civil action to recover damages by any party.

(c)(1) Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR, license may run line voltage power wiring, in compliance with the state electric code, from a disconnect box to an outdoor HVACR unit within a distance not to exceed ten feet (10') from any point of the HVACR equipment without obtaining an electrician's license as required by this chapter.

(2) Any person licensed by the Commission on Water Well Construction pursuant to the provisions of the Arkansas Water Well Construction Act, §17-50-101 *et seq.* and subject to that commission's regulations and to the Na-

- a. a statement of the allegations against the person or corporation;
- b. a statement that the person or corporation is entitled to a hearing before the board on the allegations, provided a written request for a hearing is received by the board within twenty (20) days of receipt of the notice; and
- c. a statement that the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at any scheduled hearing will result in the director seeking injunctive relief and/or filing criminal charges.

11.4 Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.

11.5 If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto, without providing notice and the opportunity for hearing.

11.6 No person licensed by this board shall employ unlicensed persons or unregistered apprentices to perform electrical work without an exemption.

Regulation 12. Restricted Lifetime Master Electrician's License.

12.1 Qualifications. To qualify for a restricted lifetime master electrician license, an applicant shall:

- a. have been a licensed master electrician licensed by the Board of Electrical Examiners for not less than twelve (12) years;
- b. be at least sixty-five (65) years of age; and
- c. have a current license as a master electrician issued by the Board of Electrical Examiners at the time of application for a restricted lifetime master electrician license.

12.2 Application.

- a. Application for a restricted lifetime master electrician license shall be on a form approved by the board.
- b. The applicant for a restricted lifetime master electrician license shall submit with the application satisfactory proof of age, which may include one of the following:
 - (1.) a birth certificate;
 - (2.) a passport or certificate of arrival in the United States;
 - (3.) a state-issued driver's license or identification card;
 - (4.) any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or
 - (5.) any other document of similar reliability.

the production of documents.

- (5) The Board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law. Such decision shall become the final determination of the Board, unless judicial review is sought within thirty (30) days pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-212.
 - e. If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.
- 9.6 Failure to pay civil monetary penalties.
- a. If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.
 - b. Failure to pay assessed fines may result in the denial, revocation or suspension of any electrical license or certification.

Regulation 10. Reciprocity.

- 10.1 The board may issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

Regulation 11. Non-licensed Electricians.

- 11.1 The board staff shall, on behalf of the director, investigate complaints and allegations against any person or corporation not licensed by the board for violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.
- 11.2 After investigation, the director shall make an initial determination of whether there has occurred a violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.
- 11.3 The director shall notify the person(s) or corporation(s) of his determination by certified mail to the last known address. This notice shall conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* and shall specifically contain the following:

tional Electric Code may run power and control wiring from an existing disconnect box to water well equipment without obtaining an electrician's license as required by this chapter. Nothing in this subdivision shall be construed to allow a licensed water well installer or contractor to alter the existing electrical service to any building or structure.

(d) Nothing in this chapter shall be construed as repealing, modifying, or affecting in any way the provisions of §17-25-101 *et seq.*

(e) Nothing in this chapter shall be construed to require an employee of a hospital to hold a license in order to perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his or her duties with a hospital licensed by the Department of Health.

(f) For the purposes of this chapter, the term "industry" means manufacturing, processing and refining facilities, warehouses, distribution facilities, repair and maintenance facilities, agricultural facilities, and corporate and management offices located on industrial sites.

17-28-103. Disposition of funds.

All funds received by the Board of Electrical Examiners of the State of Arkansas under the provisions of this chapter shall be deposited as special revenues in the State Treasury to the credit of the Department of Labor Special Fund, there to be used by the Department of Labor in carrying out the functions, powers, and duties as set out in this chapter and to defray the costs of the maintenance, operation, and improvements required by the department in carrying out the functions, powers, and duties otherwise imposed by law on the department or the Director of the Department of Labor.

17-28-201. Creation - Members.

(a) There is created a Board of Electrical Examiners of the State of Arkansas.

(b) The board shall consist of the Director of the Department of Labor or his or her authorized representative and eight (8) other members who shall be residents of this state appointed by the Governor with the advice and consent of the Senate.

(1) One (1) member shall be the chief electrical inspector of a municipality within the state;

(2) One (1) member shall be a licensed professional engineer engaged primarily in the design or maintenance of electrical installations;

(3) One (1) member shall be an electrical contractor operating in this state;

(4) One (1) member shall be a master or supervising electrician;

(5) One (1) member shall be a representative of a public electric utility operating in this state;

(6) One (1) member shall be a representative of a private electric utility operating in this state.

(7) One (1) member shall represent the public and shall not be affili-

ated with any of the other groups represented on the board; and

(8) One (1) member shall represent the elderly, shall be sixty (60) age or older and not actively engaged as or retired as an electrician. This member shall be appointed from the state at large, subject to confirmation by the Senate, and shall be a full voting member but shall not participate in the grading of examinations.

(c) The same person may not be both the public representative and the representative of the elderly.

(d) Each appointment shall be for a term of four (4) years or until a successor is appointed.

(e) In the event of a vacancy during a term, the Governor may appoint a replacement to fulfill the unexpired portion of the term.

(f) The board shall elect one of its members to act as its chair for a term of one (1) year, and he or she shall have a vote on all matters before the board.

(g) For cause and after a hearing, any appointed member may be removed from office by the Governor.

(h) Each appointed member may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

17-28-202. Duties of board and Department of Labor.

(a) It shall be the duty of the Board of Electrical Examiners of the State of Arkansas to:

(1) Adopt rules and regulations necessary for the implementation of this chapter;

(2) At least every six (6) months, conduct examinations of persons who apply for an electrician's license and grant licenses to qualifying applicants who have paid the prescribed fee; and

(3) Revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

(b)(1) It shall be the duty of the Arkansas Department of Labor to administer and enforce the provisions of this chapter.

(2) For the enforcement of this chapter, the Director of the Department of Labor or his or her designated employees shall have the authority to enter, during normal business hours, upon any private or public premises with right of access, ingress, and egress for the purpose of ascertaining whether a person has performed electrical work or installed or repaired electrical facilities thereon in accordance with the provisions of this chapter, § 20-31-101 et seq., and the regulations and standards adopted pursuant thereto.

17-28-203. Examinations - Fees.

(a) The Board of Electrical Examiners of the State of Arkansas is authorized to conduct examinations of persons applying for a license as a master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, air conditioning electrician, or residential journeyman electrician. These persons shall pay fees established by the board, but in no event shall such examination fees exceed the following:

- (1) The degree and extent of harm to the public safety or to property, or the potential for harm;
- (2) The duration and gravity of the violation;
- (3) Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
- (4) Whether the violation involved elements of fraud or deception either to the public or to the Board, or both;
- (5) The violator's prior disciplinary record with the Board;
- (6) Whether and to the extent which the violator profited by the violation.

e. No civil penalty assessments older than two (2) years shall be used as the basis for a progressive discipline pursuant to the Violation Fine Schedule in Regulation 9.3.

f. No provision of this subsection shall abridge authority of the Board to evaluate all past civil money assessments by any person, firm, or corporation to revoke or suspend any license for any offense.

9.3 Violation Fine Schedule.

a. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).

b. The aggravating and mitigating factors in 9.2(d) of this Regulation may affect the final civil monetary penalty assessed.

9.4 Nothing in these regulations shall abridge the authority of the Board to revoke or suspend any license for any offense.

9.5 Contesting a Civil Penalty

a. The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director, 10421 West Markham, Little Rock, Arkansas 72205. The written request must be made within twenty (20) days after receipt of notification of the civil penalty or the assessment will become final.

b. A written request for a hearing shall be scheduled for a hearing before the Board.

c. The person, firm, or corporation shall be provided at least twenty (20) days notice of the hearing. Such notice shall include:

- (1) a statement of the time, date, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) A short and plain statement of the matters of fact and law asserted; and
- (4) A statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and testimony of witnesses and

Employment by an electrical contractor licensed by the Arkansas Department of Labor or by a master electrician of unlicensed or unregistered persons doing electrical work	Regulation 11.6	\$250	\$750	Discretionary (up to \$1000 per day)
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	17-28-303 & Regulation 8.1	\$250	\$750	Discretionary (up to \$1000 per day)
Other violations of the State electrical statute		Discretionary (up to \$250 per day)	Discretionary (up to \$750 per day)	Discretionary (Up to \$1000 per day)

- (1) Master electrician.....\$100.00
- (2) Journeyman electrician\$100.00
- (3) Industrial maintenance electrician.....\$ 50.00
- (4) Residential master electrician\$100.00
- (5) Residential journeyman electrician\$100.00
- (6) Air conditioning electrician\$100.00

(b) Any applicant who shall fail to pass the examination shall be permitted to take the next scheduled examination upon payment of the required fees.

17-28-204. Hearing - Appeal.

All hearings conducted by the Board of Electrical Examiners of the State of Arkansas and all appeals taken from the decisions of the board shall comply with the Arkansas Administrative Procedure Act, § 25-15-201, et seq.

17-28-301. Electrician's license - Issuance and renewal - Fees.

(a) Individuals passing the master, journeyman, residential master, residential journeyman, air conditioning electrician, or industrial maintenance electrician's examination as specified in § 17-28-203 shall be issued a license of the same class as that of the examination upon payment of the following fees:

- (1) Master electrician.....\$50.00
- (2) Journeyman electrician\$25.00
- (3) Industrial maintenance electrician.....\$25.00
- (4) Residential master electrician\$50.00
- (5) Residential journeyman electrician\$25.00
- (6) Air conditioning electrician \$25.00

(b)(1) Licenses shall expire on the date indicated on the licenses. Licenses shall expire on the last day of the month, one (1) year following the date of the original license.

(2) The license may be renewed for a period of one (1), two (2), or three (3) years with the fee to be as follows:

- (A) Master electrician.....\$50.00 per year
- (B) Journeyman electrician.....\$25.00 per year
- (C) Industrial maintenance electrician\$25.00 per year
- (D) Residential master electrician.....\$50.00 per year
- (E) Residential journeyman electrician.....\$25.00 per year
- (F) Air conditioning electrician\$25.00 per year

(3) Any licensee may renew his or her license within six (6) months following the expiration date on the license by paying the renewal fee as indicated in subdivision (b) (2) of this section.

(4) If a licensee shall fail to renew his or her license within six (6) months after the expiration date on the license, the licensee may renew his or her license by paying a penalty of ten dollars (\$10.00) for a journeyman or residential journeyman electrician, ten dollars (\$10.00) for an industrial maintenance electrician or air conditioning electrician, and twenty dollars (\$20.00) for a master electrician or a residential master electrician, in addition to the

regular renewal fees.

(5) If the license is not renewed within one (1) year after the expiration date on the license, the licensee shall be required to take another examination as administered by the Board of Electrical Examiners of the State of Arkansas.

(c) The registration fee for an electrical apprentice shall be ten dollars (\$10.00) annually. Apprentice registration certificates shall expire on the last day of the month, one (1) year following the date of original registration.

(d) The board shall be authorized to issue a temporary license as a master electrician or journeyman electrician which shall be valid for no more than six (6) months and be renewable one (1) time only for industry projects as defined in this chapter, upon submission by the applicant of the following:

(1) A temporary license fee in the amount established by § 17-25-303 (a);

(2) A completed application on a form furnished and approved by the board; and

(3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications required under this chapter for the type of license being applied for.

17-28-302. Electrical contractor license.

(a) Any person, member, or employee of a firm, partnership, or corporation desiring to engage in the business of electrical contractor may apply for and be issued a license upon satisfying the Board of Electrical Examiners of the State of Arkansas that he or she or it is either a master electrician or employs a master electrician as its superintendent or manager and shall pay a license fee in the amount of one hundred dollars (\$100) per year.

(b) Any electrical contractor having met the requirements of this chapter may work in any municipality in the state without further examinations after first showing evidence of state license as described in this chapter and paying such fees as required by the municipality in which the work is to be performed.

17-28-303. License nontransferable.

No license certificates issued by the Board of Electrical Examiners of the State of Arkansas shall be assignable or transferable.

17-28-304. License requirements.

No person shall perform electrical work in this state or display or use any title, sign, card, advertisement or other device to indicate that the person performs electrical work or is an electrician unless the person has first obtained a license to perform electrical work pursuant to the provisions of this chapter, or the individual is exempted from licensing pursuant to the provisions of this chapter.

17-28-305. Local regulatory authority - Exceptions - Electrical inspectors.

(a) Any individual licensed or registered under the provisions of this chap-

Violation	Statute or Regulation Provision	1st	2nd	3rd
Failure to possess appropriate license for electrical work	17-28-304	\$50	\$100	Discretionary (up to \$1000 per day)
Providing false or misleading advertising	17-28-304	\$250	\$500	Discretionary (up to \$1000 per day)
Failure to correct electric code violations within a reasonable time	20-31-105	\$250	\$750	Discretionary (up to \$1000 per day)
Failure of a licensee to maintain supervisory ratio of one licensed electrician to two apprentices on a construction project at any one time, or to maintain an overall employment ratio of one to one, except as another ratio may be approved by BAT	Regulation 7.9(g) (Violations of this Regulation shall be assessed per apprentice out of the required ratio)	\$75	\$150	Discretionary (up to \$1000 per day)
Performing electrical work beyond the authorization of the electrical license or registration	17-28-101 & Regulation (s) 2.1a-f	\$50	\$100	Discretionary (up to \$1000 per day)
Failure of apprentice to register with the Arkansas Department of Labor	Regulation 7.9(e)(2)	\$10	\$20	Discretionary (up to \$1000 per day)

corporation charged with the violation by Regular Mail of the following:

- (1) the type of violation(s);
- (2) the date(s) of the violation(s);
- (3) the amount of the civil penalty for the violation(s);
- (4) the civil penalty determination issued by the Electrical Division staff shall be final, unless within twenty (20) days after receipt of this notice, the person, firm, or corporation notifies the Director in writing that the person, firm, or corporation contests the penalty; and
- (5) the procedure for contesting a civil penalty as provided in 9.5 of this Regulation.

- f. If the person, firm, corporation, partnership, or association charged with the violation has not filed written notice with the Director that the charged party contests the civil penalty within twenty (20) days after receiving notice in accordance with 9.1(e) of this Regulation, the penalty assessment by the Electrical Division staff shall become the final determination of the Director.
- g. Notice of the civil penalty may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the Arkansas Department of Labor.

9.2 Civil Penalty Assessment.

- a. If upon inspection or investigation, the Arkansas Department of Labor finds that a person, firm, or corporation has violated any of the provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board, such person, firm or corporation shall be subject to a civil penalty that shall not exceed the following:
 - (1) Two hundred fifty dollars (\$250.00) for a first offense;
 - (2) Seven hundred fifty dollars (\$750.00) for a second offense; and
 - (3) One thousand dollars (\$1000.00) for a third offense
- b. The amount of a civil penalty will be based on the Violation Fine Schedule in 9.3 of this Regulation.
- c. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
- d. Upon appeal, the Board may exercise its discretion in determining the appropriate penalty according to the Violation Fine Schedule in 9.3 of this Regulation. In determining the amount of a civil monetary penalty, the Board may consider:

ter shall not be subject to examination or licensing by any city or county in order to perform electrical work.

(b) Any city or town may by ordinance, rules, regulations, or contract prescribe rules, regulations and standards for the materials used in the construction, installation and inspection of all electrical work in the city or county, provided the rules, regulations or standards are not in conflict with the standards prescribed by the Board of Electrical Examiners of the State of Arkansas pursuant to the authority of §. 17-28-202 and 20-31-104. Provided, that a city or county may by ordinance require a person, before doing electrical work on his or her primary residence, to demonstrate a technical competency to comply with the city or county standards. If the city has adopted an ordinance to exercise its territorial planning jurisdiction and if the city and county agree to authorize such, a city may exercise jurisdiction over the construction, installation and inspection of electrical work within the city's territorial jurisdiction for planning authorized under §14-56-413.

(c) Any city or county may establish by ordinance, rules and regulations a system of permits and inspections for the installation, repair and maintenance of electrical facilities and electrical work.

17-28-306. Reciprocity.

The Board of Electrical Examiners of the State of Arkansas shall be authorized to issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license in that state, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

17-28-307. Restricted lifetime master electrician license.

(a)(1) Upon reaching the age of sixty-five (65), or any time thereafter, any person who has been a licensed master electrician licensed by the Board of Electrical Examiners of the State of Arkansas for not less than twelve (12) years may apply for a restricted lifetime master electrician license.

(2) This license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the board.

(b) The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

17-28-308. Electrical apprentices.

(a) Upon proper application and payment of the fee, the Board of Electrical Examiners of the State of Arkansas shall register as an electrical apprentice and issue a certificate of registration to any person who furnishes satisfactory proof that the applicant is enrolled in a school or training course for electrical apprentices certified by the Bureau of Apprenticeship and Training of the United States Department of Labor.

(b) The board shall take such actions as are reasonably necessary or appropriate to supervise and enforce apprenticeship supervision ratios established by the board by regulation.

17-28-309. Penalties.

(a) The Director of the Department of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person who performs electrical work without a license or who otherwise violates the provisions of this chapter.

(b)(1) A civil penalty may be assessed against any person, firm, or corporation by the Department of Labor and subject to appeal and hearing before the Board of Electrical Examiners of the State of Arkansas according to the Arkansas Administrative Procedure Act, §25-15-201 et seq., if it is determined that the person, firm, or corporation has violated any:

(A) Provision of this chapter;

(B) Provision in the Arkansas Electrical Code Authority Act, §20-31-101 et seq.;

(C) Rule, regulation, or order issued or promulgated by the board; or

(D) Condition of a license, certificate, or registration issued by the board.

(2) For each violation, the penalty shall not exceed the following:

(A) Two hundred fifty dollars (\$250) for a first offense;

(B) Seven hundred fifty dollars (\$750) for a second offense; or

(C) One thousand dollars (\$1000) for a third offense.

(3) Each day of a continuing violation is a separate violation for purposes of penalty assessment.

(4) Assessment of a civil penalty by the board shall be made no later than two (2) years after the date of the occurrence of the violation.

(5) If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the board's decision, the director may file an action in a court of competent jurisdiction to collect the civil penalty without paying costs or giving bond for costs.

(6) Any penalties collected under this section shall be deposited as special revenues in the State Treasury to the credit of the Department of Labor Special Fund, there to be used by the Department of Labor in carrying out the functions, powers, and duties of this chapter.

17-28-310. Grandfather clause.

(a) Applicants for a license pursuant to the provisions of this chapter shall be exempt from the examination requirement of § 17-28-203, provided that the applicant:

(1) Is qualified by experience requirements to take the examination for a particular license classification under the provisions of this chapter and the regulations of the Board of Electrical Examiners of the State of Arkansas;

(2) Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause;

(3) Submits the appropriate fee; and

(4) Applies for a license prior to July 1, 1998.

(b) Notwithstanding any provision to the contrary, an applicant for a li-

processing under this regulation.

8.7 Any journeyman electrician, residential journeyman electrician, master electrician, residential master electrician, air conditioning electrician, or industrial maintenance electrician whose license has been revoked may make application for a new license after such time as the board may require by order on an application form furnished by the board. In the event the board's order revoking a license does not specify a time, application for a new license may be made after a period of two (2) years dating from the date of the revocation. Said application shall contain a statement of intent to comply with all pertinent laws, ordinances, rules, and regulations. The board may issue a new license after the applicant has passed the prescribed examination, with fees for such examination being the same as for an initial examination. The board may deny licensure to any applicant who has worked without a license during a period of revocation in violation of Ark. Code Ann. § 17-28-304.

8.8 Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant. The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full board. The applicant shall be provided at least twenty (20) days notice of the hearing before the full board. Such notice will be provided by regular mail to the address on the application.

Regulation 9. Electrical Civil Money Penalties.

9.1 Civil Penalties, Generally.

a. Any person, firm, or corporation that violates provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:

(1) Two hundred fifty dollars (\$250.00) for a first offense;

(2) Seven hundred fifty dollars (\$750.00) for a second offense;

(3) One thousand dollars (\$1000.00) for a third offense

b. Each day of a continuing violation shall constitute a separate offense.

c. Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.

d. The amount of civil penalties will be determined in accordance with 9.2 of this Regulation.

e. In civil penalty cases, the staff of the Electrical Division of the Arkansas Department of Labor shall notify the person, firm, or

- (2) A completed application on a form provided by the board; and
 - (3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Regulation 6.1 or 6.2.
- b. A temporary license may be renewed one (1) time only for industrial projects, upon submission by the applicant of the items listed in Regulation 7.10 a. above.
 - c. In no event shall a renewed temporary license exceed a period of twelve (12) months from the date of original issue on the first temporary license.

Regulation 8. Revocation, Suspension and Denial of Licenses.

- 8.1 The board shall have the power to revoke or suspend any license or registration for cause. This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.
- 8.2 Any party who is wronged or damaged by an individual or company licensed by the board in the performance of electrical work on his, her, or its property may make written notice of complaint to the board. Such complaint shall detail the actions of the license holder(s) causing damage to the complainant.
- 8.3 Upon receipt of a written complaint made against any party holding a license issued by the board, the Arkansas Department of Labor Electrical Division staff may investigate said complaint to ascertain information relating to the complaint. The board may on its own motion cause a staff investigation of any licensee's compliance with the provisions of the act or the regulations of the board.
- 8.4 After investigation, the Arkansas Department of Labor Electrical Division staff shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing. If such allegations are sufficient to warrant a hearing, staff shall recommend to the board that a revocation/suspension hearing take place.
- 8.5 Any licensee shall be provided at least twenty (20) days notice of any revocation or suspension hearing. Such notice may be provided by certified mail to the address provided to the board by the licensee. Notice shall contain a statement of the allegations and conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. 25-15-201 et seq.
- 8.6 If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of formal license revocation

cense pursuant to this section shall be exempt from the journeyman electrician examination requirement of §. 17-28-203 if he or she has completed electrical apprenticeship training and education pursuant to a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training and he or she meets the requirements of subdivisions (a)(2) - (4) of this section.

17-28-311. Continuing education requirement.

(a) No journeyman electrician license or master electrician license shall be renewed unless the licensee completes at least eight (8) hours of continuing education for each National Electric Code cycle.

(b)(1) The Board of Electrical Examiners of the State of Arkansas shall promulgate rules to set standards for continuing education for licensees under this section.

(2) The rules shall include, but not be limited to, provisions of the National Electrical Code, as in effect on January 1, 2005.

ARKANSAS ELECTRICAL CODE AUTHORITY ACT

20-31-101. Title.

This chapter may be known and may be cited as the "Arkansas Electrical Code Authority Act".

20-31-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the Board of Electrical Examiners of the State of Arkansas created by §17-28-201 et. seq.;

(2) "Department" means the Department of Labor;

(3) "Director" means the Director of the Department of Labor;

(4) "Electrical facilities" means all wiring fixtures, appurtenances, and appliances for and in connection with a supply of electricity within or adjacent to any building, structure, or conveyance, but not including the connection with a power supply meter or other power supply source:

(5) "Electrical work" means:

(A) Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;

(B) Installations of conductors that connect to the supply of electricity; and

(C) Installations of other outside conductors on the premises.

(6)(A) "Electrician" means any person, individual, member, or employee of a firm, partnership, or corporation which is engaged in the business of or who for hire:

(i) Plans, lays out, and supervises the installation, maintenance,

and extension of electrical conductors and equipment; or

(ii) Installs, erects, repairs, or contracts to install, erect, or repair:

(a) Electrical wires or conductors to be used for the transmission of electric light, heat, power, or signaling purposes;

(b) Moulding, ducts, raceways, or conduits for the reception or protection of wires or conduits; or

(c) Any electrical machinery, apparatus, or systems to be used for electrical light, heat, power, or signaling purposes.

(B) "Electrician" also means an "electrical contractor", a "master electrician", a "journeyman electrician", or an "industrial maintenance electrician" licensed under §17-28-101 et seq.; and

(7) "Primary residence" means an unattached single-family dwelling used as the person's primary place of residence.

[Note: Ark. Code Ann. §17-25-101 et seq. is currently codified at Ark. Code Ann. §17-28-101 et seq., following a 1995 recodification of title 17.]

20-31-103. Exemptions.

(a) The following types of construction and structures shall be exempted from the provisions of this chapter:

(1) Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Public Service Commission, by a rural electric association or cooperative, or by a municipal utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards;

(2) Any construction, installation, maintenance, repair, or renovation of any nonresidential farm building or structure;

(3) Any construction or manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. §4501 et seq.;

(4) Primary residences, whether existing or under construction, when the owner performs the electrical work thereon or the owner performs the construction, maintenance, or installation of electrical facilities thereon.

(b) The exemption from compliance with the standards promulgated in this section shall not be referred to in any way, and it shall not be any evidence of the lack of negligence or the exercise of due care by a party at a trial of any civil action to recover damages by any party.

20-31-104. Statewide standards - Enforcement of chapter.

(a) Beginning January 1, 1992, the Board of Electrical Examiners of the State of Arkansas is hereby empowered to adopt rules and regulations to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work.

(b) The board shall adopt the National Electrical Code, 1990 edition, of the National Fire Protection Association.

(c) In the event there are updates and new editions to the National Electrician

e. A certificate of registration may be revoked by the board for cause. This includes, but is not limited to the following:

(1) Expulsion from or dropping from the BAT-approved training program; or

(2) Performing electrical work which is not performed under the direct supervision of a licensed master or journeyman electrician.

f. No journeyman or master electrician shall employ an electrical apprentice at a ratio greater than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.

g. No electrical contractor or licensed electrician shall work an electrical apprentice except under the direct supervision of a journeyman or a master electrician with a ratio not greater than two (2) apprentices to one (1) journeyman or one (1) master electrician on a construction project at any one time. An overall employment ratio not greater than one (1) apprentice to one (1) journeyman or one (1) master electrician must be maintained unless otherwise approved by BAT. Notwithstanding any provision to the contrary, a fourth-year apprentice is counted as an apprentice for the purposes of determining an employer's overall employment ratio, but is not counted as an apprentice for the purposes of determining the work ratio on an individual construction project. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the board, the Department of Workforce Education and the U.S. Department of Labor (BAT). The apprentice must begin school no later than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Bureau of Apprenticeship and Training.

h. By memorandum of understanding, the Workforce Education Apprenticeship Office shall oversee related classroom study of apprentices. Unless officially excused by the Arkansas Department of Labor, each apprentice released from their apprenticeship training should make application with the Department of Labor for the examination within sixty (60) days of their release.

7.10 Temporary licenses.

a. The board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

(1) A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;

- dential master electrician.
- 7.5 If any license is not renewed within a year after the expiration of such license, the licensee shall be required to take another examination as authorized by the board. If any grandfather license is not renewed within a year after the expiration of such license, the licensee shall be required to take an examination as authorized by the board.
- 7.6 No person, firm, or corporation licensed under the provisions of Ark. Code Ann. § 17-28-101 *et seq.* shall alter, transfer, lend or rent his, her or its license.
- 7.7 If any applicant passing any class of examination does not obtain an initial license within one (1) year following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board before a license is issued. Grandfather applicants that have not obtained a license within one (1) year of approval shall be required to take an examination as authorized by the board.
- 7.8 An applicant for an electrical contractor's license shall submit to the board the following:
- an application on a form approved by the board; and
 - proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
 - if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.
- 7.9 Apprentices.
- An applicant for registration as an electrical apprentice shall submit the following:
 - an application on a form approved by the board;
 - a registration fee of ten dollars (\$10.00);
 - satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).
 - Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.
 - Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a BAT-approved training program.
 - An individual may continue to register and work as an electrical apprentice upon release from a BAT-approved program. However, the apprentice must actively attend training classes until he/she passes the examination.

cal Code, the board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.

(d) The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work in:

(1) Any new public, business, or commercial buildings or structures constructed after July 15, 1991;

(2) Any new educational institutions or buildings constructed after July 15, 1991;

(3) Any new single family or multifamily residence constructed after July 15, 1991;

(4) Any other type new construction undertaken in the State of Arkansas not specifically exempted under this chapter.

(e) The term "new" or "new construction" as used in this section shall apply to any new building or structure or any complete addition to or renovation of a building or structure where electrical conductors within are placed, added, or replaced in whole or part. It shall not apply to the repair or replacement of existing electrical conductors in existing buildings or structures or to minor repairs consisting of repairing or replacing outlets or minor working parts of electrical fixtures.

(f) It shall be the duty of the Department of Labor to administer and enforce the provisions of this chapter.

20-31-105. Compliance required - Penalties.

(a) Beginning January 1, 1992, unless specifically exempted under this chapter, no person or electrician shall perform any construction, installation, or maintenance of electrical facilities or perform electrical work in this state except in compliance with the statewide standards promulgated hereunder.

(b) Any person or electrician who does any construction, installation, and maintenance of electrical facilities or performs electrical work in this state without an exemption and not in compliance with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment.

(c) In addition to the penalties in subsection (b) of this section, the Director of the Department of Labor is authorized:

(1) To petition any court of competent jurisdiction to enjoin or restrain any person or electrician who does any construction, installation, and maintenance of electrical facilities or performs electrical work without an exemption, or who otherwise violates the provisions of this chapter; and

(2) To seek the suspension or revocation by the Board of Electrical Examiners of the State of Arkansas of any "electrical contractor", a "master electrician", a "journeyman electrician" or an "industrial maintenance electrician" licensed under § 17-28-101 *et seq.* who is found to be in violation of the

provisions of this chapter.

- a. above.
- 6.5 An applicant for a residential journeyman license shall have:
 - a. two (2) years experience in the wiring of one (1) or two (2) family dwellings; and
 - b. a two-year combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board.
- 6.6 An applicant for an air conditioning electrician's license shall have:
 - a. two (2) years experience in wiring HVACR equipment; or
 - b. any combination of experience and training as the board may approve as being equivalent to that as specified in paragraph 6.6 a. above.
 - c. the experience required in paragraph 6.6 a. may be demonstrated by having held for two years:
 - (1) a HVACR electrician's license issued by an Arkansas municipality, or
 - (2) a HVACR Class A or Class B license issued by the state HVACR Licensing Board.
- 6.7 For the purpose of determining experience qualification, the board shall not consider the following:
 - a. any experience obtained in violation of Ark. Code Ann. § 17-28-304 (Repl. 2001); or
 - b. any experience obtained in a sister state in violation of that state's licensing or registration requirements.

Regulation 7. Licenses.

- 7.1 Licenses shall expire on the date indicated on the license. Licenses shall expire on the last day of the month, one year following the date of issue. Such licenses may be renewed as provided herein. All licenses originally issued prior to the adoption of this rule shall continue to expire as indicated on the license.
- 7.2 Licenses may be renewed for one (1), two (2) or three (3) years upon a payment of fifty dollars (\$50.00) per year for a master electrician's license; fifty dollars (\$50.00) per year for a residential master electrician's license; twenty-five dollars (\$25.00) per year for a journeyman electrician's license; twenty-five dollars (\$25.00) per year for a residential journeyman electrician's license; twenty-five (\$25.00) per year for an air conditioning electrician's license; and twenty-five dollars (\$25.00) per year for an industrial maintenance electrician's license.
- 7.3 A license may be renewed within six (6) months of the expiration date by paying the renewal fees stated in Regulation 7.2.
- 7.4 A license may be renewed after six (6) months from the expiration date, by paying the renewal fee stated in Regulation 7.2 plus a penalty of ten dollars (\$10.00) for journeyman electrician, residential journeyman electrician, air conditioning electrician, or industrial maintenance electrician, and twenty dollars (\$20.00) for master electrician or resi-

- journeyman electrician; and
- (B) verified and documented in detail; and
- (3) experience must be either:
 - (A) four (4) years of verified electrical construction experience which shall include (i) no less than 8,000 hours of on-the-job training and (ii) no less than 6,000 hours of on-the-job training in new commercial or industrial construction; or
 - (B) six (6) years of electrical maintenance experience, which shall include (i) no less than 12,000 hours of on-the-job training and (ii) no less than 4,000 hours of on-the-job training in new commercial or industrial construction.

- e. Work experience shall be documented by official transcripts, notarized letters or affidavits from past or present employers, official letters from other licensing boards detailing the duration and character of the work, or equivalent evidence that verifies such experience.
 - f. Electrically related classroom instruction, or time spent in electrical school, shall be documented by submitting to the Arkansas Department of Workforce Education transcripts from a school or classroom training records from an apprenticeship program as approved by the board, the U.S. Department of Labor- Bureau of Apprenticeship Training, and the Department of Workforce Education.
- 6.3 An applicant for an industrial maintenance electrician's license shall have:
- a. four (4) years experience under the supervision of an engineer, master electrician, journeyman electrician or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or
 - b. any combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical maintenance experience that is determined by the board to be equivalent to that as specified in paragraph 6.3 (a) above.
- 6.4 An applicant for a residential master electrician's license shall have:
- a. three (3) years experience in the wiring of one (1) or two (2) family dwellings including one (1) year experience as a licensed residential journeyman; or
 - b. any combination of training and experience as the board may approve as being equivalent to that as specified in paragraph 6.4

ADMINISTRATIVE REGULATIONS OF THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS

Regulation 1. The National Electrical Code.

- 1.1 The Board hereby adopts and incorporates herein the National Electrical Code, 2005 edition of the National Fire Protection Association, effective as of October 1, 2005.
- 1.2 The National Electrical Code, 2005, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.
- 1.3 In the event there are updates and new editions to the National Electrical Code, the Board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.
- 1.4 The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

Regulation 2. Definitions.

- 2.1 The various classes of licenses shall be defined as follows:
 - a. "Master electrician" shall mean an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.
 - b. "Journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment.
 - c. "Residential master electrician" shall mean an individual who is limited by license classification to performing electrical work for one and two family dwellings, including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.
 - d. "Residential journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, alter, repair, maintain, or renovate electrical facilities for one and two family dwellings under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other pro-

- ject under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.
- e. "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.
 - f. "Industrial maintenance electrician" shall mean an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. *See* Ark. Code Ann. § 17-28-102(a)(2) and Regulation 3.1.
- 2.2 "Board" shall mean the Board of Electrical Examiners of the State of Arkansas.
- 2.3 "Director" shall mean the Director of the Arkansas Department of Labor.
- 2.4 "Electrical Apprentice" means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a journeyman electrician or master electrician.
- 2.5 "Electrical work" means:
- a. As defined by Ark. Code Ann. §§ 17-28-101(6) and 20-31-102 (6):
 - (1) Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;
 - (2) Installations of conductors that connect to the supply of electricity; and
 - (3) Installations of other outside conductors on the premises.
- 2.6 "HVACR" shall mean heating, ventilation, air conditioning and refrigeration.
- 2.7 "Manager" shall mean any employee:
- a. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and
 - b. who customarily and regularly directs the work of one or more other employees therein; and
 - c. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and

c. Industrial Maintenance Electrician	\$25.00
d. Residential Master Electrician	\$56.00
e. Residential Journeyman Electrician	\$56.00
f. Air Conditioning Electrician	\$56.00

Regulation 6. Qualification for Examination.

- 6.1 An applicant for a master electrician's license shall have:
- a. a degree in electrical engineering plus two (2) years of construction related experience; or
 - b. six (6) years experience in the construction industry, both residential and commercial, including two (2) years experience as a licensed journeyman electrician; or
 - c. any combination of training and experience as the board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the board, or a combination of training and construction experience that is determined by the board to be equivalent to that as specified in paragraph 6.1(a or b) above.
- 6.2 An applicant for a journeyman electrician license shall have:
- a. four (4) years electrical work experience approved by the board which shall include the following:
 - (1) no less than 8,000 hours of on-the-job training; and
 - (2) no less than 4,000 hours of on-the-job training in new commercial or new industrial construction; and
 - b. a four year combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job-training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical experience that is determined by the board to be equivalent to that as specified in paragraph 6.2(a) above or
 - c. a "Notice of Apprenticeship Committee Action – Released for Test" form from their training program if applicable and approved by the Department of Workforce Education. The applicant may take the examination after completion of four years training and submission of the approved Released for Test form.
 - d. Maintenance experience in electrical work may be considered provided:
 - (1) the applicant has completed a BAT-approved construction sponsored apprenticeship program; and
 - (2) electrical work must be:
 - (A) performed under the direct supervision of an engineer, licensed master electrician, or licensed

- examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.
- 5.3 All applications for examination of any class must be received by the board five (5) business days prior to the date of the scheduled meeting of the board or its designated committee. After review of the applications, the board will issue a list of approved applicants eligible to take the examination. Upon receipt of notification of approval to take the examination, each applicant must submit the appropriate examination fee in order to be placed on the examination list.
- 5.4 Anyone who is not on the list of approved applicants shall not be entitled to take an examination.
- 5.5 Any applicant who shall fail to pass the examination shall be permitted to take the next scheduled examination upon payment of the required fees. Failure to successfully pass any examination within six (6) months of board approval will result in a loss of "approved" status. The applicant must again be reviewed by the board, and may be required to verify additional training on the National Electrical Code before approval is granted.
- 5.6 The board may recognize the examination scores of individuals who have taken a licensing examination administered in a state other than Arkansas in lieu of requiring said individual to take an examination of the same class as authorized by the board and administered within the State of Arkansas, provided the following provisions are met:
- the examination administered in the sister state is the same examination administered by the board pursuant to contract with a professional testing service; and
 - the applicant has made application for an Arkansas license of the same class with the board; and
 - the board has determined that the applicant has met the minimum requirements to qualify according to Regulations of the Board of Electrical Examiners; and
 - the applicant has paid the required examination fee; and
 - the applicant has submitted proof from the sister state's licensing authority or from the appropriate testing service that the applicant has passed the examination as required by the board; and
 - the applicant has made application for the Arkansas license within one (1) year of passing the required examination or has maintained the electrician's license obtained as a result of passing the required examination since the original license was issued; or
 - the applicant is certified by the National Board of Electrical Examiners and has paid the required fees.
- 5.7 Persons applying for a license shall pay the following examination fees as instructed by the director:
- | | |
|---------------------------|---------|
| a. Master Electrician | \$56.00 |
| b. Journeyman Electrician | \$56.00 |

- who customarily and regularly exercises discretion and independent judgment; and
 - who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
 - who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.
- 2.8 "Superintendent" shall mean any employee:
- whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and
 - who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
 - who customarily and regularly directs the work of one or more other employees therein; and
 - who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and
 - who customarily and regularly exercises discretion and independent judgment; and
 - who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

Regulation 3. Construction and exemptions.

- 3.1 The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:
- The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Ark. Code Ann. § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;
 - The construction, installation, maintenance, repair, or renovation by any industry of any electric conductors or equipment or facilities incidental to their business and covered under other nation-

- ally recognized safety standards, or to any other such activity when performed by any duly authorized employee of such industry;
 - c. The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;
 - d. The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;
 - e. The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 *et seq.*; and
 - f. The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by state law, regulations, or local ordinance.
- 3.2 Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR license may run line voltage power wiring, in compliance with the state electric code, from a disconnect box to an outdoor HVACR unit within a distance not to exceed ten (10) feet from any point of the HVACR equipment without an electrician's license.
- 3.3 Any person licensed by the Commission on Water Well Construction pursuant to the provisions of Ark. Code Ann. § 17-50-101 *et seq.*, and subject to that Commission regulations and the National Electric Code, may run power and control wiring from an existing disconnect box to water well equipment without an electrician's license. Alteration of the existing electrical service shall require an electrician's license.
- 3.4 An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the Department of Health without an electrician's license.
- 3.5 Nothing in these regulations shall be construed to require an electrician's license in order to test, install, repair, maintain or alter machinery and equipment, or the supervision of such activities, by the manufacturer(s) or vendor(s) of such machinery and equipment or technicians providing services with respect to such machinery and equipment.
- 3.6 Nothing in these regulations shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.
- 3.7 Nothing in these regulations shall be construed to require an

electrician's license in order to perform manual labor, such as pick up, delivery and lay out of materials and equipment, or to generally maintain the job site in a clean and workmanlike condition. Manual labor does not include actual use of any tools of the electrical trade.

Regulation 4. Operation of the Board of Electrical Examiners of the State of Arkansas.

- 4.1 The board shall, after public hearing, promulgate such administrative regulations, including definitions of terms, as it deems appropriate to carry out the purposes of Ark. Code Ann. §§ 17-28-101 *et seq.* and 20-31-101 *et seq.* or necessary to prevent the circumvention or evasion thereof.
- 4.2 The board shall annually select one of its members to serve as Chairman of the board and one other member to act as Vice Chairman.
- 4.3 The director shall act as Secretary of the board and shall keep the books and records of the board.
- 4.4 Meetings of the board shall not be held on a regular basis, but will take place at such times and places as the chairman shall specify.
- 4.5 The director shall furnish the board with the necessary facilities for the exercise of its rights and duties.
- 4.6 Five members of the board shall constitute a quorum and the majority of those present in a meeting shall be necessary for the transaction of official business.
- 4.7 The board shall enforce the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*, and may issue, renew, refuse to renew, suspend and revoke licenses provided for therein.
- 4.8 The board shall have the power to establish qualifications for applicants.
- 4.9 The board hereby establishes a Screening Committee consisting of four (4) board members appointed by the Chairman. The Screening Committee shall review and take action on all applications for licensure, subject to appeal to the full board. The Screening Committee may refer any application to the board without prior action at its discretion.

Regulation 5. Examinations.

- 5.1 The board shall make provisions for examinations on the following classes of licenses: master electricians, journeyman electricians, industrial maintenance electricians, residential master electrician, residential journeyman electrician, and air conditioning electrician to be given at least every six (6) months.
- 5.2 The examination of each class of license shall be of length and type to ensure proficiency in the tested area. The exact content of any examination shall be within the discretion of the board. Said